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June 8, 2022

VIA ECF AND ELECTRONIC MAIL

MEMO ENDORSED

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Alina Flatscher v. The Manhattan School of Music*, Case No. 1:20-cv-4496 (KPF)

Dear Judge Failla:

We are counsel to Plaintiff in the above-referenced matter. We write to request Your Honor's intervention to enforce the scheduling of the remaining three (3) depositions listed below or grant Defendant a further extension to produce their witnesses as needed.

On April 27, 2022, the Parties requested an extension of the deadline to depose witnesses to May 26, 2022. *See* D.E. No. 49. On April 28, 2022, Your Honor granted the Parties' request for an extension.

Two more depositions were taken, but the end of the school year made scheduling the remaining depositions difficult. On May 24, 2022, the Parties requested to further extend the deadline to depose the remaining witnesses on June 6, 2022 (James Gandre) and June 14, 2022 (Susan Fink). Your Honor granted the Parties' request for an extension. *See* D.E. No. 52.

On May 26, 2022, the deposition of Tangella Maddox (Chief Financial Officer) took place. It was during this deposition that multiple references were made to Melissa Cocco (Vice President and Dean of Enrollment) – a witness with knowledge regarding the allegations in the complaint. It was on that day, Plaintiff's counsel noticed the deposition of Melissa Cocco.

The Parties had initially scheduled the remaining depositions to take place on the following dates:

- James Gandre (President) – June 6, 2022; and

- Susan Fink (Associate Vice President of Finance and Controller) – June 14, 2022.

On June 3, 2022, Plaintiff's counsel spoke with Mr. Gregory Reilly, and requested that Ms. Fink's deposition be rescheduled before Mr. Gandre's deposition. In short, the Parties agreed to reschedule the depositions whereby Ms. Cocco and Ms. Fink would be deposed on the same day, and Mr. Gandre would be scheduled on another day, but before or on June 14, 2022. I have provided Mr. Reilly with multiple dates regarding my availability (Thursday 6/9, Friday 6/10, Monday 6/13 and Tuesday 6/14), but have received no response from Mr. Reilly. See Exhibit A.

Thank you for your consideration.

Respectfully submitted,

GAINEY McKENNA & EGLESTON

Gregory M. Egleston

Gregory M. Egleston

cc: All counsel (via ECF)

The Court is in receipt of Plaintiff's letter motion to compel the enforcement of the deposition schedule. (Dkt. #54). Defendant is hereby ORDERED to respond on or before June 10, 2022, at 12:00 p.m.

Dated: June 9, 2022
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE